

Jennifer Chang Newell (SBN 233033)  
Cody Wofsy (SBN 294179)  
Julie Veroff (SBN 310161)  
Spencer Amdur\*\*\*\* (SBN 320069)  
ACLU FOUNDATION  
IMMIGRANTS' RIGHTS PROJECT  
39 Drumm Street  
San Francisco, CA 94111  
T: (415) 343-0770  
F: (415) 395-0950  
[jnewell@aclu.org](mailto:jnewell@aclu.org)  
[cwofsy@aclu.org](mailto:cwofsy@aclu.org)  
[jveroff@aclu.org](mailto:jveroff@aclu.org)  
[samdur@aclu.org](mailto:samdur@aclu.org)

Lee Gelernt\*  
Judy Rabinovitz\*  
Omar C. Jadwat\*  
Anand Balakrishnan\*\*\*  
Celso Perez (SBN 304924)  
ACLU FOUNDATION  
IMMIGRANTS' RIGHTS PROJECT  
125 Broad Street, 18th Floor  
New York, NY 10004  
T: (212) 549-2660  
F: (212) 549-2654  
[lgelernt@aclu.org](mailto:lgelernt@aclu.org)  
[jrabinovitz@aclu.org](mailto:jrabinovitz@aclu.org)  
[ojadwat@aclu.org](mailto:ojadwat@aclu.org)  
[abalakrishnan@aclu.org](mailto:abalakrishnan@aclu.org)  
[cperez@aclu.org](mailto:cperez@aclu.org)

*Attorneys for Plaintiffs* (Additional counsel listed on following page)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

East Bay Sanctuary Covenant, *et al.*,

*Plaintiffs,*

v.

Donald J. Trump, President of the United States, *et al.*,

*Defendants.*

Case No.: 18-cv-06810-JST

**STIPULATION**

**IMMIGRATION ACTION**

Melissa Crow\*\*\*  
SOUTHERN POVERTY LAW CENTER  
1666 Connecticut Avenue NW, Suite 100  
Washington, D.C. 20009  
T: (202) 355-4471  
F: (404) 221-5857  
*melissa.crow@splcenter.org*

Mary Bauer\*\*  
SOUTHERN POVERTY LAW CENTER  
1000 Preston Avenue  
Charlottesville, VA 22903  
T: (470) 606-9307  
F: (404) 221-5857  
*mary.bauer@splcenter.org*

*Attorneys for Plaintiffs*

*\*Admitted pro hac vice*

*\*\*Application for pro hac vice pending*

*\*\*\*Pro hac vice application forthcoming*

*\*\*\*\* Application for admission forthcoming*

Baher Azmy\*  
Angelo Guisado\*  
Ghita Schwarz\*  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 Broadway, 7th Floor  
New York, NY 10012  
T: (212) 614-6464  
F: (212) 614-6499  
*bazmy@ccrjustice.org*  
*aguisado@ccrjustice.org*  
*gshwartz@aclu.org*

Christine P. Sun (SBN 218701)  
Vasudha Talla (SBN 316219)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA, INC.  
39 Drumm Street  
San Francisco, CA 94111  
T: (415) 621-2493  
F: (415) 255-8437  
*csun@aclunc.org*  
*vtalla@aclunc.org*

1 Pursuant to the Court's order of November 19, 2018, the parties hereby stipulate to the  
2 following briefing schedule for Plaintiffs' motion for a preliminary injunction.

- 3 • Plaintiffs' motion and memorandum in support due December 3
- 4 • Amicus briefs in support of Plaintiffs or neither party due December 5
- 5 • Defendants' opposition due December 12 at noon Pacific Standard Time
- 6 • Amicus briefs in support of Defendants due December 12 at noon Pacific Standard Time
- 7 • Plaintiffs' reply due December 14
- 8 • Hearing December 19

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10 The parties have not been able to agree on a date for the submission of the administrative  
11 record, and state as follows:

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13 Plaintiffs believe the administrative record should be submitted in accordance with the  
14 Court's order, and as the Government agreed at the hearing they would. To allow Plaintiffs  
15 sufficient time to address the record, Plaintiffs believe it should be submitted by November 28, 2018  
16 at noon Pacific Standard Time. Plaintiffs have been willing to negotiate with Defendants regarding  
17 the date for production of the administrative record, but do not understand the Court's order to mean  
18 that submitting the administrative record is optional, or that the administrative record can be  
19 submitted without giving Plaintiffs sufficient time to respond to the record, or that the date of  
20 producing the record hinges on whether Plaintiffs ultimately choose to submit additional materials.

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22 Defendants' respectfully request an additional day to confer with Plaintiffs concerning  
23 production of any administrative record and the scope of that record—and request that the Court  
24 direct Plaintiffs to confer with Defendants on that issue—because Plaintiffs have not provided  
25 Defendants with the information needed to submit a timeline for producing that record. Defendants  
26 have requested Plaintiffs' position on whether resolution of Plaintiffs' forthcoming preliminary-  
27 injunction motion should be limited to the administrative record or whether Plaintiffs instead believe  
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1 they may submit extra-record evidence in support of their motion. Plaintiffs have thus far declined  
2 to confer with Defendants on this issue. Because the scope of the materials relevant to this Court's  
3 resolution of the forthcoming preliminary-injunction motion affects when an administrative record  
4 should be filed and scheduling for further briefing, Defendants respectfully submit that Plaintiffs'  
5 proposed deadline of November 28 is too soon and request that the Court order the parties to meet  
6 and confer on those issues and submit a joint proposal or competing proposals by November 27,  
7 2018. Plaintiffs claim that they "have been willing to negotiate with Defendants regarding the date  
8 for production of the administrative record." But this misses the point: Plaintiffs have refused to  
9 address the scope of the record—even though the scope of the record is central to any such  
10 negotiations and central to whatever is produced. Plaintiffs also suggest that "the Government  
11 agreed at the hearing" to submit the administrative record on a particular timeframe. But Plaintiffs  
12 overlook that, in addressing the production of the administrative record, the Government was  
13 steadfast at the hearing that review in this case would be limited to the administrative record.  
14 Plaintiffs have pointedly refused to join that commitment as to the scope of the record, which has, in  
15 turn, undermined the ability of the parties to meaningfully confer about producing the record.  
16 Indeed, far from being willing to agree that this is administrative-record-review case, Plaintiffs have  
17 refused to agree not to submit extra-record evidence through declarations with their preliminary-  
18 injunction reply brief—even though Plaintiffs have brought a purely APA challenge. Defendants  
19 therefore respectfully request that the Court require Plaintiffs to confer with Defendants about this  
20 issue  
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1 Dated: November 26, 2018

Respectfully submitted,

2 /s/ Erez Reuveni  
3 EREZ REUVENI  
4 Assistant Director  
5 Office of Immigration Litigation  
6 U.S. Department of Justice, Civil Division  
7 P.O. Box 868, Ben Franklin Station  
8 Washington, DC 20044  
9 Tel: (202) 307-4293  
10 Email: Erez.R.Reuveni@usdoj.gov

/s/Lee Gelernt  
Lee Gelernt  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
IMMIGRANTS' RIGHTS PROJECT  
125 Broad St., 18th Floor  
New York, NY 10004  
T: (212) 549-2660  
F: (212) 549-2654  
lgelernt@aclu.org

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23 I attest that concurrence in the filing of the document has been obtained from Erez Reuveni.

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25 /s/Lee Gelernt  
26 Lee Gelernt  
27  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

East Bay Sanctuary Covenant, *et al.*,

*Plaintiffs,*

v.

Donald J. Trump, President of the United States, *et al.*,

*Defendants.*

Case No.: 18-cv-06810-JST

**[PROPOSED] ORDER**

**IMMIGRATION ACTION**

- Plaintiffs' motion and memorandum in support due December 3
- Amicus briefs in support of Plaintiffs or neither party due December 5
- Defendants' opposition due December 12 at noon Pacific Standard Time
- Amicus briefs in support of Defendants due December 12 at noon Pacific Standard Time
- Plaintiffs' reply due December 14
- A hearing will be held December 19 at 9:30 a.m.
- The Court shall issue a separate order concerning the submission of an administrative record

Dated:

[Proposed] Order 1 Case No. 18-cv-06810